

This record is a partial extract of the original cable. The full text of the original cable is not available.

UNCLAS SECTION 01 OF 08 MANAMA 000339

SIPDIS

G/TIP, G, INL, DRL, PRM, IWI, NEA/RA, NEA/ARPI
STATE PLEASE PASS TO DHS
STATE PLEASE PASS TO USAID

E.O. 12958: N/A

TAGS: KCRM PHUM KWMN ELAB SMIG ASEC KFRD PREF BA

SUBJECT: BAHRAIN: ANNUAL ANTI-TRAFFICKING IN PERSONS (TIP)
REPORT

REF: O4 STATE 273089

Sensitive but unclassified (deliberative process); please protect accordingly. Not for Internet distribution.

¶1. (SBU) Embassy Manama's response to reftel follows. Answers are keyed to reftel questions. Please note that in January 2005, the Ministry of Labor and Social Affairs (MOLSA) was divided into two separate ministries, the Ministry of Labor and the Ministry of Social Affairs. As the Ministry of Labor has taken on all of MOLSA's responsibilities related to trafficking, the report refers only to the Ministry of Labor and not MOLSA.

¶2. (SBU) 18.A. Bahrain is a destination country for trafficked men and women. The most reliable sources of information on trafficking are local embassies, the GOB, the local press, and a local NGO (the Migrant Workers Protection Society). None of these sources provides reliable estimates of the size of the trafficking problem. In February 2005, the GOB reported that it had computerized its system for recording labor violations, which would enable it to produce better statistics on the trafficking issue in the future. The Migrant Workers Protection Society reports that it is approached approximately five times per week for assistance. The Philippines Embassy receives 30-40 runaway housemaids seeking help every month. Trafficking does not occur within the country's borders, and there is no territory outside of the government's control. Those most at risk for trafficking include male laborers and female domestic workers. Post has no information that children are at risk for trafficking to Bahrain.

¶3. (SBU) 18.B. Persons are trafficked from India, Pakistan, Sri Lanka, Bangladesh, Thailand, and the Philippines. China, Indonesia, Morocco, Ethiopia, and states of the former Soviet Union may also be source countries.

¶4. (SBU) 18.C. The direction and extent of trafficking seemed to remain steady in the last year, though the lack of reliable data makes this difficult to determine.

¶5. (SBU) 18.D. There are no efforts or surveys underway to document the extent and nature of trafficking in Bahrain. In 2004, the GOB agreed that it would allow the International Organization for Migration (IOM) to conduct a large USG-funded project in Bahrain which included a survey on trafficking. An IOM representative arrived in Bahrain in September, but the GOB did not grant IOM the registration required to begin its mission in Bahrain. (Note: The GOB does not have a formal mechanism to register international NGOs. End Note.) In December 2004, IOM put the project on hold and its representative left Bahrain. EmbOffs met with the Minister of Labor, the Minister of State for Foreign Affairs, the Minister of Social Affairs, and other government officials to encourage IOM's registration, which would allow for the return of the representative. GOB officials pledged to register IOM as soon as possible, but a resolution is still pending.

¶6. (SBU) 18.E. Most trafficked persons in Bahrain work in construction or as domestic helpers. Although there are no statistics to document the extent of the problem, some sources indicated that up to half of low and unskilled expatriate workers are subject to involuntary contract substitution. Foreign embassies report that when workers arrive in Bahrain, sponsors often cut their promised wages in half. In most cases, workers have little choice but to accept the new contract as they have debts to repay, both to recruiting agents and for transportation to Bahrain. Sometimes promised housing is not provided. Housing is often cramped, unsanitary, and dangerously hot in the summertime. The press reported numerous cases of laborers, especially construction workers, sustaining serious on-the-job injuries due to inadequate safety equipment. In some cases, workers are subject to partial or non-payment of salaries; extreme hours; lack of freedom to leave the house; verbal or physical abuse (including rape); and withholding of documents, including passports. Manpower agencies reportedly locked housemaids in small rooms while they waited for deployment to new employers. A local NGO reported a spike in the number of

suicides among expatriate workers last year and urged authorities to study the issue. Participation in the sex trade is almost always voluntary.

¶7. (SBU) 18.F. Bahrain is not a country of origin.

¶8. (SBU) 18.G. There is political will at the highest levels of government to combat trafficking in persons, and the government is taking serious steps to address the problem. The government has an inter-ministerial task forces that meets (usually quarterly) to discuss strategies for combating TIP. The GOB devotes significant human resources to combating trafficking. There are no concrete reports of government officials involved in TIP.

¶9. (SBU) 18.H. There is no solid evidence that government officials facilitate or condone trafficking or are otherwise complicit in such activities. However, some prominent Bahrainis are reportedly involved in illegally selling "free visas" to workers. In this practice, employers agree to sponsor expatriate workers for a visit visa or work visa in exchange for a fee (up to USD 1200). The workers are then left to find freelance work and are not employed by their official sponsors. In many cases, the sponsors demand monthly or annual fees from the workers to allow them to remain in Bahrain.

¶10. (SBU) 18.I. The police in Bahrain are adequately funded and government corruption related to trafficking is not a problem. The government has sufficient resources to aid victims, but lacks expertise in combating TIP. International organizations such as IOM could provide this much needed expertise, but Bahrain does not have standardized procedures for registering international organizations so they can implement projects. Until Bahrain adopts such procedures, IOM and other international organizations will likely have a difficult time establishing themselves in the kingdom.

¶11. (SBU) 18.J. The inter-ministerial task force meets periodically to review GOB strategies in combating TIP, but the GOB does not systematically monitor or assess its anti-trafficking efforts.

¶12. (SBU) 18.K. Prostitution is illegal and the activities of brothel owners/operators, prostitutes, and pimps are criminalized. Enforcement of anti-prostitution laws is variable. The press reported on dozens of cases in which expatriate women were arrested and charged with prostitution. Some of these women were ordered to pay fines or serve jail sentences and then deported, and others were deported without paying fines or serving jail time. In some cases, the hotels from which these prostitutes worked were banned from applying for visit visas. There were numerous cases of pimps and brothel owners being sentenced to jail time. A number of dilapidated buildings that were reportedly used for prostitution were destroyed by the government.

¶13. (SBU) 19.A. The GOB acknowledges that trafficking is a problem in Bahrain.

¶14. (SBU) 19.B. The Ministries of Foreign Affairs, Labor, Social Affairs, Justice, Interior, and Commerce are involved in anti-trafficking issues. The General Directorate of Nationality, Passports, and Residence is also involved.

¶15. (SBU) 19.C. There have not been government-run anti-trafficking public information campaigns. In July, the inter-ministerial task force announced that it was studying the possibility of such a campaign. The government distributes a pamphlet on workers' rights to incoming workers. The pamphlet is available in Urdu, Thai, Singhalese, Arabic, English, Tagalog, Hindi, and Bengali. Many expatriate workers are illiterate, and most are not aware of even their most basic rights. In April, the Ministry of Labor and Social Affairs launched a campaign to educate employers on the country's labor laws.

¶16. (SBU) 19.D. The government supports women's advancement in politics and economics. There are two women ministers and six women in the Shura Council. School enrollment for girls is high.

¶17. (SBU) 19.E. The GOB has the resources and the will -- but not the expertise -- to launch an effective prevention campaign.

¶18. (SBU) 19.F. In September 2004, the GOB ordered the closure of the Bahrain Center for Human Rights. The Migrant Workers Group (MWG), an organization dedicated to assisting trafficking victims, was a part of the Center. The GOB allowed the MWG to operate informally after the Center's closure, but requested that it register as a new organization. The group re-named itself the Migrant Workers' Protection Society and was given official permission to operate in January 2005. GOB officials meet with the Society periodically to discuss TIP issues, and have attended some of their fundraising events. The GOB gave the Society

permission to open a shelter in February 2005. The Indian Community Relief Fund, the Christian Charitable and Cultural Association, Helping Hands, and the Art of Living Foundation also aid migrant workers with the government's knowledge and no interference.

¶19. (SBU) 19.G. Border officials are not trained to recognize or respond to immigration and emigration patterns that indicate a trafficking problem. Border officials are competent in recognizing forged documents, however, and have kept some people from entering Bahrain on fake documents. A Ministry of Labor official reported that in 2004, the GOB noted an increase in the number of runaway and abused workers in the country on visit visas. The official reported that in 2005, the GOB will make visit visas harder to obtain in an effort to combat trafficking.

¶20. (SBU) 19.H. The GOB established an inter-ministerial TIP task force in February 2002. The task force meets periodically throughout the year, about every quarter. In July, the task force announced that it would form several committees to work on specific trafficking-related issues. The committees were to address the following initiatives: ways to combat violence and other abuses against housemaids; a safehouse for abused expatriate workers; a campaign to spread awareness of trafficking and the need to combat it; and procedures to speed up the judicial process in labor disputes involving expatriate workers. The results of these committees' studies have not been made public. The government does not have a public corruption task force, but the Council of Representatives has an active Investigative Committee on corruption.

¶21. (SBU) 19.I. The GOB does not coordinate with or participate in multinational or international working groups or efforts to prevent, monitor, or control trafficking. In 2004, the GOB agreed to allow the International Organization for Migration (IOM) to operate in Bahrain. However, it has not granted IOM the registration required to begin its project in Bahrain.

¶22. (SBU) 19.J. The GOB has a national plan of action to combat trafficking in persons. The Ministries of Foreign Affairs, Labor, Information, Justice, and Interior were involved in drafting this plan. NGOs were not consulted and parts of the action plan were not made public. In 2003, the GOB held a press conference to launch the plan and announce some of its anti-trafficking initiatives.

¶23. (SBU) 19.K. The inter-ministerial TIP task force is responsible for developing anti-trafficking programs within the government.

¶24. (SBU) 20.A. The Bahraini penal code does not specifically criminalize trafficking in persons. However, it does explicitly outlaw forced labor, including the unjustifiable holding of salaries (Articles 198 and 302 amended). Forced prostitution through coercion, threat, or deceit (Article 325) is also outlawed. The law forbids a sponsor from withholding an employee's passport. While the law covers expatriate laborers and provides significant protection for victims of trafficking, the current court system does not allow for a speedy redress of grievances. Expatriate workers have successfully sued Bahraini sponsors in the Labor Court, but judicial proceedings can take months or even years. A law passed in 2002 gave workers the right to change sponsors without a "no objection" letter from the original sponsor, but most workers do not know enough about this law to use it in escaping from abusive situations. Domestic workers are not covered in Bahrain's labor law, though domestic workers can use the Ministry of Labor to help solve disputes. They can also seek legal redress from forced labor under the penal code. The GOB presented to parliament a new labor law in February 2005. The law is intended to reduce Bahrain's dependence on foreign laborers and domestic help.

¶25. (SBU) 20.B. Anyone guilty of sexual exploitation is subject to an imprisonment of no less than two years and no more than seven years. If the victim is less than 18 years old, the imprisonment is for no less than three years and no more than ten years. Government employees found guilty of imposing forced labor on other government employees are subject to imprisonment for a period not exceeding ten years. A person who is not a government employee and is found guilty of forced labor is subject to imprisonment and/or a fine. All sources indicate that the vast majority of expatriates in the sex trade are involved on a voluntary basis.

¶26. (SBU) 20.C. A person guilty of sexually assaulting a female is subject to an imprisonment not to exceed ten years. A person guilty of sexually assaulting a male is subject to an imprisonment not to exceed seven years, or ten years if the victim is between the ages of seven and sixteen. Under the law, punishments are more severe in the following cases:

when the perpetrator is a close relative, guardian, or servant of the victim; when the perpetrator is a public servant, clergyman, or medical practitioner; when the crime is jointly committed by two or more persons; when the victim contracts a venereal disease as a result of the crime; or when the victim becomes pregnant or loses her virginity as a result of the crime.

¶27. (SBU) 20.D. Because "trafficking" is not a legal concept under Bahraini law, no one has been prosecuted or convicted specifically for trafficking. Courts have ruled in favor of workers in numerous cases of abuse and disputes over non-payment of salary. The Ministry of Labor has the power to remove a worker from a place of employment and repatriate the employee at the employer's expense. The licenses of 63 manpower agencies have been revoked in the last two years due to trafficking-related offenses. There are currently 80 manpower agencies operating in Bahrain.

¶28. (SBU) 20.E. Manpower recruitment agencies in Bahrain and in source countries are in large part responsible for the trafficking problem in the kingdom. Individual sponsors who change contracts upon a worker's arrival are also involved in trafficking.

¶29. (SBU) 20.F. The Ministry of Labor has 39 labor inspectors, including a number of women. The Ministry reported that it will begin hiring 40 new inspectors in March 2005. Labor inspections occur upon application for a work permit; after an employee complaint; per an employer's request; and randomly. Bahraini law allows for covert police operations, but these techniques are not used to investigate trafficking. Undercover officers are used to catch prostitutes. In May, the Ministry of Labor announced a plan to deal with "free visa" workers. Labor inspectors and police increased their inspections of labor sites in order to find and deport illegal workers and punish their sponsors. Sponsors were ordered to pay deportation expenses and a fine of BD500 (USD 1330) to BD1000 (USD 2660) for each illegal worker. In cases where the arrested worker wanted to file a complaint against his sponsor, the Ministry of Labor said workers should give their embassies the authority to deal with the cases on their behalf. In August, the Ministry of Labor said that the Public Prosecutor was investigating 43 employers for offenses related to the "free visa" issue. The Ministry of Labor estimated that there were 20,000 "free visa" workers operating in Bahrain at the time. Officials in the business community estimated that there were 50,000 "free visa" workers.

¶30. (SBU) 20.G. The GOB does not provide any specialized training for government officials in how to recognize, investigate, or prosecute instances of trafficking.

¶31. (SBU) 20.H. Post does not know of any cooperative international investigations or prosecutions of trafficking cases. However, the Ministry of Labor meets with local embassies once a month and works closely with them to resolve trafficking cases.

¶32. (SBU) 20.I. Post has no knowledge of any trafficking-related extradition requests filed with the GOB. Bahrain is party to a number of bilateral extradition treaties and some multinational arrangements, including the Arab Agreement to Combat Trans-Arab Organized Crime and the Arab Agreement to Combat Terrorism.

¶33. (SBU) 20.J. GOB officials do not directly condone or facilitate trafficking. However, some prominent Bahrainis are reportedly involved in illegally selling "free visas" to workers. Please see para nine for more information.

¶34. (SBU) 20.K. No government officials have been prosecuted for involvement in trafficking or trafficking-related corruption.

¶35. (SBU) 20.L. Bahrain does not have an identified child sex tourism problem.

¶36. (SBU) 20.M. Bahrain signed and ratified ILO Convention 182 in February 2001. Bahrain also signed and ratified ILO Conventions 29 and 105 and the Optional Protocol to the Convention on the Rights of the Child (CRC) on the sale of children, child prostitution, and child pornography. In December 2003 the National Assembly approved the UN Convention Against Transnational Organized Crime and the Protocols to Prevent, Suppress, and Punish Trafficking in Person, especially Women and Children. In March 2004, the MFA announced Bahrain's accession to this convention.

¶37. (SBU) 21.A. The GOB does not regularly provide medical care, psychological services, or shelter to trafficking victims. Emergency medical care is available to anyone in Bahrain. Police are instructed not to return a victim to a sponsor if there is a risk of violence, and are allowed to temporarily house victims at police stations while a case is being investigated. In 2003, the GOB announced that a

government-run shelter for trafficking victims would be open by March 30, 2004. The shelter has not yet opened. The GOB provides mediation services in labor disputes and often grants expatriate workers temporary residency until the dispute is resolved. The government often turns a blind eye when workers involved in labor disputes are employed by people who are not their sponsors. The Ministry of Labor has two hotlines to deal with labor complaints and to assist victims of trafficking. However, hotline staff have very little knowledge in how to help victims and are often unavailable to answer calls. In December 2004, MEPI supported the Foundation for Global Leadership in training Ministry of Labor and Ministry of Interior personnel in victim assistance techniques, including hotline skills. EmbOffs called the hotlines numerous times after the training, but only one call was answered. The hotline director said that the Ministry of Labor does not have sufficient personnel to staff the hotlines, and on average only one person a month is assisted through the hotlines.

¶38. (SBU) 21.B. The GOB does not provide funding or other forms of support to foreign or domestic NGOs for services to victims. However, it allows several NGOs that serve migrant workers to operate.

¶39. (SBU) 21.C. Victims are rarely arrested by law enforcement authorities. They are at times given temporary shelter by the police and are held in detention before deportation. The Migrant Workers Protection Society provides care to all victims referred to it.

¶40. (SBU) 22.D. According to the Ministry of Labor's legal advisor, trafficking victims are not prosecuted, fined, or imprisoned unless they are involved in non-labor related crimes such as theft, assault, or prostitution. "Free visa" workers and others who are working illegally are held at the GOB's Immigration Residence (opened in 2004) while being processed for deportation. A local NGO reported that these facilities are clean and the detainees are treated humanely. The Ministry of Labor said it tries to detain people for no more than 48 hours, but the period of detention varies.

¶41. (SBU) 22.E. In cases where mediation by the Ministry of Labor does not resolve the dispute, government officials encourage workers to pursue legal action and the GOB reportedly facilitates contact with lawyers. The government often tolerates work for non-sponsors during legal disputes and allows/facilitates change of sponsorship in situations of duress.

¶42. (SBU) 22.F. Protection of victims is usually provided by local embassies, but the GOB's policy is that victims in imminent danger are to be sheltered and protected by the police. The government does not fund or run any shelters.

¶43. (SBU) 22.G. The government does not provide any specialized training for government officials in recognizing trafficking or in the provision of assistance to trafficked victims. However, in December 2004 MEPI supported the Foundation for Global Leadership in training Ministry of Labor and Ministry of Interior personnel in victim assistance techniques. The government does not provide training to its embassies and consulates overseas or urge them to develop relationships with NGOs.

¶44. (SBU) 22.H. Post has no information indicating that any Bahraini nationals are victims of trafficking.

¶45. (SBU) 22.I. No international NGOs work with trafficking victims in Bahrain. In 2004, the GOB approved an International Organization for Migration (IOM) project in Bahrain, but to date it has not given IOM the registration required to operate in the country.

¶46. (SBU) Post point of contact on trafficking issues is PolOff Sara Cobb (tel: 973-1724-2834; fax: 973-1727-3011; E-mail: CobbS@state.gov). An FS-05 officer spent 75 hours compiling the report. An FS-01 and an FS-02 officer spent 2 hours each reviewing the report.
MONROE